

TITLE XIII

BUSINESS

Chapter 1. Business

- Section 13-1-1. Business licenses.
- Section 13-1-2. Business leases.
- Section 13-1-3. Vendor's permit.

Chapter 2. Union Organization Activities

- Section 13-2-1. Definitions.
- Section 13-2-2. Union organization activity prohibited.
- Section 13-2-3. Right-to-work.
- Section 13-2-4. Strikes.
- Section 13-2-5. Contravention of Code.

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CHAPTER 1. BUSINESS**Section 13-1-1. Business licenses.**

A. *Powers of Council.* The Pueblo Council in order to regulate the growth and economic development of the Pueblo of Laguna and to regulate the conduct and operation of business within the Reservation, has the sole constitutional power to grant, deny or withdraw the privilege of doing business on Pueblo Lands except where such authority is in contravention of the Constitution and laws of the United States of America.

B. *Applicability.* Any person wishing to establish a business enterprise on Pueblo Lands for the purpose of making a profit shall file an application for business license with the Pueblo Secretary on the form provided by the Pueblo.

C. *Effect on present business operations.* For the sole purpose of regulating all business operations on Pueblo Lands, any person engaged in business as of the date of passage of this chapter shall file, within sixty (60) days from said date, an application for business license as set forth in subsection B. above. The privilege of doing business is hereby expressly granted to those presently doing business on Pueblo Lands subject to compliance with this chapter.

D. *Privilege of doing business.* The privilege of doing business on Pueblo Lands is expressly conditioned upon compliance by the licensee with the applicable laws of the Pueblo of Laguna and the validity of leases, licenses or contracts authorizing the licensee to enter upon Lands of the Pueblo subject to the jurisdiction of the Pueblo of Laguna.

E. *Approval of Pueblo Council.* Upon receipt of the application for business license and application for business lease as set forth in section 13-1-2, the Pueblo Secretary shall refer the matter to the Pueblo Council. The Council shall, after determination that the application for business lease does not infringe upon the personal or property rights of any Pueblo member or other business licensee, by majority vote with a quorum present, either grant or deny the application. Upon granting a license to do business, the Council shall fix an annual fee, payable on or before January 2nd of each year, for the privilege of doing business. The applicant shall be advised of any denial of his or her application in writing stating the reasons therefor.

F. *Revocation, modification or alteration of license.* The Pueblo Council reserves the right to revoke, modify or alter the terms of the license and to enact such laws relating to business licensing and regulations as it may deem desirable.

Section 13-1-2. Business leases.

A. *Powers of Council.* The Pueblo Council of the Pueblo of Laguna shall have the sole power and authority, subject to applicable regulations of the Department of the Interior, to issue leases for the purpose of conducting or operating a business on Pueblo Lands.

B. *Applicability.* Any person desiring to establish a business on Pueblo Lands shall, in addition to obtaining a business license as provided in section 13-1-1, make application for a business lease. Such application shall be in the form provided by the Pueblo and shall be filed with the Pueblo Secretary.

C. *Approval of Pueblo Council.* Upon receipt of the application for business lease the Council shall, by majority vote with a quorum present, either grant or deny the application setting forth the terms and conditions of such lease.

D. *Lease terms and conditions.* In addition to other terms and conditions which it may deem desirable, the Pueblo Council shall determine the following conditions under which a business lease shall be granted:

- (1) *Term.* No lease shall be authorized for a term which exceeds twenty-five (25) years except that if the lessee proposes to make an investment in his business which cannot be recovered with a reasonable profit within twenty-five (25) years, the lessee may be granted an option to renew the lease for an additional term not to exceed twenty-five (25) years.
- (2) *Rental.* A reasonable rental rate for each year of the lease shall be established. The rental rate may be subject to periodic adjustment and may be based on a fixed rate, percentage rate or both.
- (3) *Purpose.* The purposes for which the leased premises shall be used shall be established and set forth in the business lease. A lease may be approved for any lawful purpose.
- (4) *Assignability.* A person shall not assign a business lease without the prior written consent of the Pueblo Council.

E. *Use of land assignment as business site prohibited.* The use of a Pueblo Land assignment as a business site is expressly prohibited by this chapter. No business shall be conducted on Pueblo Lands except as authorized by the Pueblo Council, Pueblo of Laguna, pursuant to this chapter and the business licenses and leases issued hereunder.

Section 13-1-3. Vendor's permit.

A. *Purpose.* The purpose of this chapter is to protect the general public and to regulate the sale of goods or services on Pueblo Lands by Pueblo members and nonmembers.

B. *Permit required.* It shall be unlawful for any person to conduct any business solicitation on Pueblo Lands, unless such person has in his possession a valid vendor's permit issued in accordance with the provisions of this chapter. Any non-Indian shall also comply with the trader's license requirements of the Bureau of Indian Affairs.

C. *Exemptions.* Unless otherwise specifically provided, this chapter shall not apply to:

- (1) Individual solicitations or booths at traditional fiestas and feast days and at special events of general Pueblo interest which are sponsored by religious or civic organiza-

tions; provided such solicitations have been authorized by the Governor of the Pueblo of Laguna. The Governor may require a deposit for clean-up, liability insurance or other Pueblo services.

- (2) Charitable solicitations.
- (3) Sale of vegetables, fruits, meats or other produce raised and sold in unprocessed form by the grower or producer thereof.
- (4) Solicitations by any person of the age of seventeen (17) years or under so long as they do not exceed one thousand dollars (\$1,000.00) in a calendar year.

D. *Permit application.* Any person desiring a vendor's permit pursuant to this chapter shall file an application with the Pueblo Secretary upon a form to be provided by the Pueblo. The application shall include, but not be limited to the following information:

- (1) The name, mailing address, phone number and Social Security Number of the applicant.
- (2) If the applicant is employed by another person to conduct business solicitations, the name, mailing address and phone number of this employer.
- (3) If the applicant will employ others, the names, mailing addresses and phone numbers of such employees.
- (4) A declaration that neither the applicant nor his employer, if applicable, have been convicted of a crime involving solicitations in the United States.
- (5) A declaration that the applicant agrees to hold harmless and indemnify the Pueblo of Laguna, its officers and employees from any and all damages or injury to persons or property proximately caused by the act or neglect of the permit holder or by hazardous or negligent conditions maintained at the vendor's location.

E. *Executive staff review.* Within fourteen (14) days of receipt of the application for permit, the Governor, Secretary and Treasurer shall review the permit and make a written recommendation to the Council.

F. *Authorization or denial of permit by Pueblo Council.* The application, together with the recommendation of the executive staff shall be presented to the Council for its consideration. The Council shall deny the application or grant a permit under such terms and conditions as it deems appropriate. The action of the Council shall be final.

G. *Expiration or revocation of permit.* A vendor's permit shall be granted for a fixed term as set by the Council. A permit may be revoked by the Governor or the Pueblo Council if it is determined that the permit holder has:

- (1) Made fraudulent, misrepresentative, or false statements in the application for the permit;
- (2) Conducted business solicitations in an unlawful manner or in such a way as to constitute a menace to the health or safety of the public.

Any person whose permit has been revoked shall not be permitted to apply for another permit for a period of at least one (1) year following revocation.

H. *Penalties.* Any person, corporation or other entity, whether a member or nonmember, who shall, in the usual course of trade or business, offer to sell goods or services on the Reservation without having first complied with the provisions of this chapter, or after a permit has been revoked, shall be subject to a civil penalty of one hundred dollars (\$100.00) for the first offense and fifty dollars (\$50.00) for each subsequent offense.

I. *Jurisdiction.* Any person, corporation or other entity, whether or not a member of the Pueblo, shall submit to the jurisdiction of the Pueblo Court as a condition for doing business on the Reservation. Failure to comply with this section shall result in the automatic forfeiture of the license or permit.

CHAPTER 2. UNION ORGANIZATION ACTIVITIES

Section 13-2-1. Definitions.

For the purposes of this chapter the following definitions shall apply:

Closed shop shall be any arrangement entered into between a labor organization and an employer whereby employment is conditioned upon membership in a specified labor organization or, even if membership is not required, employment is conditioned upon payment of fees equivalent to those required for initiation and continuing membership in a labor organization.

Labor organization or *union* is any organization whose primary purpose is the collective representation of Indian or non-Indian employees concerning the terms and conditions of employment.

Labor union organizational activities shall be defined as conduct by one (1) or more persons in an effort to organize, enroll, recruit, or solicit members or otherwise attempt to increase membership of any labor organization.

Strike shall be a cessation of work or work slow down by employees, especially to try and obtain higher wages and better working conditions.

Strike activities shall be any conduct of an employee or employees for the purpose of organizing, conducting, or otherwise carrying out a strike.

Union representative or *agent* for the purposes of this chapter, shall be defined as any person or group of persons, Indian or non-Indian, who shall represent a labor organization.

Section 13-2-2. Union organization activity prohibited.

Union organization activity by an Indian or non-Indian within, the exterior boundaries of the Reservation is prohibited. This chapter shall not be construed so as to prevent the presence

on the Reservation of union representatives or agents whose sole purpose is to conduct union business with any currently enrolled union member or other employee who may be working within the exterior boundaries of the Reservation.

Section 13-2-3. Right-to-work.

The right of Indians to work shall not be denied or abridged on account of membership or nonmembership in any labor union or labor organization. Because it is the firm belief of the Pueblo that closed shop agreements are inconsistent with Indian preference clauses required of all employers on the Reservation, no closed shop shall be permitted within the exterior boundaries of the Reservation.

Section 13-2-4. Strikes.

With regard to strikes against any employer within the exterior boundaries of the Reservation, and strike activities, the Pueblo of Laguna establishes the following policy:

- A. The Pueblo of Laguna does not sanction any strike against an employer or lockouts by an employer on the Reservation as it is the opinion and belief of the Pueblo Council that such activity works to the detriment of all Pueblo members.
- B. No strike activities shall take place within the exterior boundaries of the Reservation without the prior written approval of the Pueblo Council by official resolution.
- C. Striking employees may picket the premises of the employer only at those places and in the manner specifically allowed by the Council's resolution.
- D. All picketing shall be done in an orderly manner so as not to impede ingress or egress to the employees place of business or operation.
- E. No person shall bring force to bear upon or make threats against any member of the Pueblo of Laguna who does not honor picket lines or choose to participate in strike activities. Any act of striking employees which endangers the health, safety or welfare of another person or another person's property shall be punishable under the penalty provisions of this chapter and any other chapters or laws of the Pueblo of Laguna and the United States.
- F. Any act of a person which endangers the health, safety, or welfare of a striking employee or a striking employee's property, or any other person or property shall be punishable under the penalty provisions of this chapter and any other chapters or laws of the Pueblo of Laguna and the United States.

Section 13-2-5. Contravention of Code.

A. Any non-Indian who shall act in contravention of this chapter shall be subject to punishment under the laws of the State of New Mexico or the United States, or expulsion from the Reservation upon majority decision of the Pueblo Council.

B. Any Indian who shall act in contravention of this chapter shall be deemed guilty of an offense and upon conviction thereof shall be subject to a fine of fifty dollars (\$50.00), or to confinement not to exceed ten (10) days or both such fine and confinement.

BUSINESS

TITLE XIII HISTORY

Title XIII, Chapter 1, Business, was enacted by Ordinance No. 200-87 on September 1, 1987.

Ordinance No. 200-87 reads as follows: [TEXT OF ORDINANCE]

Title XIII, Chapter 2, Union Organization Activities, was enacted by Ordinance No. 01-78 on April 29, 1978.

Ordinance No. 01-78 reads as follows:

WHEREAS, the Pueblo of Laguna, in the exercise of its police powers has a duty to protect the health, safety, and welfare of the Pueblo members; and

WHEREAS, certain labor organizations seek access to the Pueblo of Laguna Reservation for the purpose of conducting union activities including but not limited to solicitation of Indian and non-Indians employed thereon for union membership; and

WHEREAS, it is the firm belief of the Pueblo Council, Pueblo of Laguna, that such union activity could be disruptive of Tribal affairs and would not be in the best interest of the Pueblo as a whole unless properly regulated.

NOW, THEREFORE, BE IT ORDAINED: [TEXT OF ORDINANCE]

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